

INFORMATION DISCLOSURE STATEMENT

Applicant : Richard F. McNichol
App. No : 10/587,903
Filed : July 28, 2006
For : HYDRAULIC GRAVITY RAM PUMP
Examiner : Charles Grant Freay
Art Unit : 3746
Conf. # : 3589

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing in the above-identified application is a PTO/SB/08 Equivalent listing one reference to be considered by the Examiner. This reference was cited in an Official Action in related Canadian Patent Application Serial No. 2,554,856, a copy of which is included with this paper.

This Information Disclosure Statement is being filed before the receipt of a first Office Action on the merits, and presumably no fee is required. If a first Office Action on the merits was mailed before the mailing date of this Statement, the Commissioner is authorized to charge the fee set forth in 37 C.F.R. § 1.17(p) to Deposit Account No. 11-1410.

Respectfully submitted,
KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 26 Sept 2008

By: Jason Jardine
Jason Jardine
Registration No. 61,805
Attorney of Record
Customer No. 20,995
(619) 235-8550



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BULL, HOUSSER & TUPPER LLP

Box 11130

3000 Royal Centre

1055 West Georgia Street

VANCOUVER British Columbia

V6E 3R3

BULL, HOUSSER & TUPPER LLP

COPY

Application No. : **2,554,856**
Owner : MCNICHOL, RICHARD FREDERICK
Title : **HYDRAULIC RAM PUMP**
Classification : F04B 9/107 (2006.01)
Your File No. : **0081530NKO13CAP**
Examiner : B.M. Brown

YOU ARE HEREBY NOTIFIED OF :

- A REQUISITION BY THE EXAMINER IN ACCORDANCE WITH SUBSECTION 30(2) OF THE *PATENT RULES*;
- A REQUISITION BY THE EXAMINER IN ACCORDANCE WITH SECTION 29 OF THE *PATENT RULES*.

IN ORDER TO AVOID **MULTIPLE ABANDONMENTS** UNDER PARAGRAPH 73(1)(A) OF THE *PATENT ACT*, A WRITTEN REPLY TO EACH REQUISITION MUST BE RECEIVED WITHIN 6 MONTHS AFTER THE ABOVE DATE.

This application has been examined taking into account the:

Description, as originally filed;
Claims, 1-6, as received on Jul. 28, 2006 during the national phase; and
Drawings, as originally filed.

The number of claims in this application is 6.

The search of the prior art has revealed the following:

References Applied:

United States Patents

3,148,629 □

Sep. 15, 1964

6,193,476 □

Feb. 27, 2001

Sutliff
Sweeney

□ citation stemming from a foreign search report

Canada



Sutliff discloses a deep well pump comprising an upper plunger having an outer diameter which slidably fits within an upper barrel and a lower plunger having an outer diameter which fits in the a lower barrel.

Sweeney discloses a deep well fluid pump comprising a pump body, a pump piston, powering means for powering the pump piston, and resetting means to return the pump piston to a start position.

Claims 1, 2, 4, and 5 do not comply with section 28.3 of the *Patent Act*. The subject matter of these claims would have been obvious on the claim date to a person skilled in the art or science to which they pertain having regard to Sweeney in view of Sutliff. Claims 1, 2, 4, and 5 differ from Sutliff in that the claimed piston type pumping apparatus comprises a piston rod having a smaller area within a reload chamber. However, Sutliff teaches that the differential between the horizontal cross sectional area of an upper plunger and that of a lower plunger is what causes the suction of liquid inwardly through drain ports. Therefore, it is held that it would be obvious for a person skilled in the art to modify the pump of Sweeney in order to reduce the area of the lower piston head.

Claims 3 and 6 do not comply with section 84 of the *Patent Rules* because the claimed characteristic "a pressure release valve" has no support in the present description.

In view of the foregoing defects, the applicant is requisitioned, under subsection 30(2) of the *Patent Rules*, to amend the application in order to comply with the *Patent Act* and the *Patent Rules* or to provide arguments as to why the application does comply.

Section 29 of the Patent Rules requisition

Under section 29 of the *Patent Rules*, the applicant is requisitioned to provide:

- identification of any prior art cited in respect of the United States Patent and Trademark Office, and European Patent Office applications describing the same invention on behalf of the applicant or on behalf of any other person claiming under an inventor named in the present application, and the patent numbers, if granted, subsequent to the International Search Report under paragraph 29(1)(a) of the *Patent Rules*.

To satisfy this requisition, applicant should provide all the preceding information or documents, or provide in accordance with subsection 29(3) of the *Patent Rules* a statement of reasons why any information or document is not available or known.

B.M. Brown
Patent Examiner
819-997-2167